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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/825,797	04/09/2004	Hiroyuki Shibaki	006453.P041	905
8791 7590 09/17/2007 BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			EXAMINER MOTSINGER, SEAN T	
			ART UNIT 2624	PAPER NUMBER
			MAIL DATE 09/17/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/825,797

Applicant(s)

SHIBAKI ET AL.

Examiner

Sean Motsinger

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 7/12/2004, 1/13/2005, 5/7/2009
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Rejection Under 35 U.S.C. 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 11 and 12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 11 claims an article of manufacture having a recordable medium storing instructions. This is non-statutory because it could be computer code written on a piece of paper and computer code is not statutory unless stored on a computer readable medium. Examiner suggests the language "an article of manufacture comprising a computer readable medium having computer executable instructions stored therein, which when executed by a computer...". Claim 12 is non-statutory for the same reason.

Rejections Under 35 U.S.C. 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5, 7, 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Coleman US 2003/0121007.
3. Re claim 1 Coleman discloses An image processing apparatus comprising: an image attribute determining unit to determine an image attribute of an image data (see abstract object type); an object dividing unit to divide the image data into a plurality of objects (see abstract note the image is split into a plurality of objects) based on the image attribute (object type); and an object describing unit to describe the objects in predetermined formats (see paragraph 15 note the object must be described in some format) and convert the objects into a file of a predetermined file format (PDL file see paragraph 15), wherein the object describing unit describes an object having a predetermined image attribute among the objects by associating an additional object (object descriptor paragraph 15) representing information on the predetermined image attribute (printer independent quality characteristic paragraph 15) with the object.
4. Re claim 2 Colemans further describes further comprising a data converting unit (printer control device paragraph paragraph 16) to convert the file of the predetermined file format into a print instruction for a printer (printer dependent imaging actions paragraph 16) and output the print instruction to the printer, wherein the data converting unit identifies the object having the predetermined image

attribute based on the additional object (printer independent quality characteristics paragraph 16), and performs an image processing to the object based on the predetermined image attribute (color transforms halftoning... paragraph 25).

5. Re claim 3 Coleman further discloses wherein when the object is identified as an object having a text attribute (paragraph 33), the data converting unit performs a halftone processing with a higher sharpness to the object (sharp edges, and choice of halftone paragraph 33), compared with an object having another attribute than the text attribute.
6. Re claim 5 Coleman further discloses when the object is identified an object having a text (text paragraph 33) attribute with a white background, the data converting unit performs a halftone processing with a higher sharpness to the object (sharp edges paragraph 33), compared with an object having other attribute than the text attribute with the white background.
7. Re claim 6 Coleman further discloses wherein when the object is identified as an object having a text attribute with a color background, the data converting unit performs an identical halftone processing as that for the color background to the object (note set of printer independent characteristics can be chosen including all objects treated the same this would result in both color text and background being the same see paragraph 24).

8. Re claim 7 Coleman further discloses wherein the additional object is an invisible object, the object is not intended to be printed and therefore is invisible (see paragraph 15)
9. Re claim 10 claim 10 is the apparatus of claim 1 (see rejection for claim 1 further including a printer to print the document. Coleman also discloses a printer (see paragraph 16)
10. Re claim 11, claim 11 is a computer program causing a computer to perform the method corresponding to the apparatus of claim 1 (see rejection for claim 1.) Coleman also uses a computer program (see paragraph 34).
11. Re claim 12 Claim 12 is a computer program causing a computer to perform the method corresponding to the apparatus of claim 2 (see rejection for claim 2.) further comprising outputting to a printer. Coleman also uses a computer program (see paragraph 34) and outputs to a printer see paragraph 16.
12. Claim 1,2 7-9 rejected under 35 U.S.C. 102(b) as being anticipated by Nicholson et al US 2002/0067859.
13. Re claim 1 Nicholson discloses An image processing apparatus comprising: an image attribute determining unit to determine an image attribute of an image data

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(detect identifiable objects see abstract); an object dividing unit to divide the image data into a plurality of objects based on the image attribute (detect identifiable objects see abstract; and an object describing unit to describe the objects in predetermined formats (note the objects must be in some format) and convert the objects into a file of a predetermined file format (PDF paragraph 100), wherein the object describing unit describes an object having a predetermined image attribute (unrecognizable word label) paragraph 100) among the objects by associating an additional object (invisible text paragraph 100) representing information on the predetermined image attribute with the object (text paragraph 100).

14. Re claim 7 Nicholson discloses wherein the additional object is an invisible object (paragraph 100).
15. Re claim 8 Nicholson discloses wherein a size of the additional object equals that of the object having the predetermined image attribute (paragraph 100 note the invisible object is meant to cover the same area as the bitmap object.)
16. Re claim 9 Nicholson discloses wherein the predetermined file format is a portable document format (paragraph 100.)

17. Re claim 10 claim 10 is the apparatus of claim 1 (see rejection for claim 1 further including a printer to print the document. Nicholson also discloses a printer (see paragraph 96)
18. Re claim 11, claim 11 is a computer program causing a computer to perform the method corresponding to the apparatus of claim 1 (see rejection for claim 1.)
Nicholson also uses a computer program (see paragraph 99)

Rejections Under 35 U.S.C. 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claim 4 rejected under 35 U.S.C. 103(a) as being unpatentable over Colman in view of Amedei US 6,176,566.
20. Re claim 4 Coleman discloses all of the elements in claim 2 Coleman does not disclose wherein when the object is identified as an object having a text attribute with an achromatic color, the data converting unit performs an image processing to enhance a black color in color correction and black color generation or an image processing to eliminate any remaining color of the object. Amedei discloses wherein when the object is identified as an object having a text attribute with an achromatic

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color (black and white text column 2 lines 10-20), the data converting unit performs an image processing to enhance a black color in color correction and black color generation or an image processing to eliminate any remaining color of the object (Removes color data column 2 lines 10-20) The motivation to combine is that the color is "undescribable" column 1 lines 44-50.

References Not Considered

21. The Japanese office action crossed out on the IDS form was not considered. The examiner was not able to consider any portion of this reference because no portion of it was translated into English.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Motsinger whose telephone number is 571-270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Motsinger
9/10/2007


JINGGE WU
SUPERVISORY PATENT EXAMINER